

OFFICE OF THE STANDING CHAPTER 13 TRUSTEE
6851 N.E. Loop 820, Suite 300
North Richland Hills, TX 76180-6608
(817) 770-8500
(817) 498-1362 FAX

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

IN RE:

JAMES DON HOLDEN, xxx-xx-4234
SHARON BURTON HOLDEN, xxx-xx-6004
1912 Secret Ct
Arlington, TX 76006
DEBTORS

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CASE NO. 16-43346-MXM
CHAPTER 13

Pre-Hearing Conference:
Time & Date: 10:00 am
June 15, 2018

NOTICE TO DEEM MORTGAGE CURRENT OR, ALTERNATIVELY, NOTICE OF AMOUNT
DEEMED NECESSARY TO CURE (INCLUDING NOTICE OF HEARING)

(Mid Case Mortgage Notice per Local Bankruptcy Rule 3002.1-1)
(18-22)

RESPONSE REQUIRED BY CREDITOR

ATTENTION CREDITOR/HOLDER: DITECH FINANCIAL, Court Claim No.: 13, Account No. 8541

Property Description: 1912 Secret Ct

TO ALL PARTIES IN INTEREST

PURSUANT TO LOCAL RULE 3002.1-1, THE CHAPTER 13 TRUSTEE, TIM TRUMAN, FILES THIS NOTICE TO DEEM MORTGAGE CURRENT OR, ALTERNATIVELY, NOTICE OF AMOUNT DEEMED NECESSARY TO CURE ('MORTGAGE NOTICE').

A SCHEDULING ORDER WILL BE SERVED BY THE BANKRUPTCY CLERK WHICH WILL ESTABLISH SPECIFIC, IMPORTANT, AND MANDATORY DATES AND DEADLINES CONCERNING THIS MORTGAGE NOTICE, AS WELL AS OTHER REQUIREMENTS ('SCHEDULING ORDER'). IF THERE IS A CONFLICT BETWEEN THE SCHEDULING ORDER AND THIS MORTGAGE NOTICE, THE SCHEDULING ORDER WILL CONTROL.

PURSUANT TO LOCAL BANKRUPTCY RULE 3002.1-1, ON OR BEFORE SIXTY (60) DAYS FROM THE DATE OF SERVICE OF THE MORTGAGE NOTICE, THE HOLDER OF A CLAIM COVERED BY THIS MORTGAGE NOTICE SHALL FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT AT US BANKRUPTCY CLERK, 501 W. 10TH STREET, FORT WORTH, TX 76102 AND SHALL SERVE THE RESPONSE ON THE DEBTORS, DEBTORS' ATTORNEY AND THE TRUSTEE AND ANY OTHER PARTY IN INTEREST. THE RESPONSE SHALL INDICATE WHETHER THE HOLDER DISPUTES THE INFORMATION CONTAINED IN THIS MORTGAGE NOTICE. THE RESPONSE SHALL ALSO ITEMIZE ANY CURE AMOUNTS OR POST-PETITION ARREARAGES THAT THE HOLDER CONTENDS EXIST ON THE DATE OF THE RESPONSE. THE DEBTORS MAY FILE A REPLY WITHIN NINETY (90) DAYS FROM THE DATE OF THE FILING OF THIS MORTGAGE NOTICE.

PURSUANT TO LOCAL BANKRUPTCY RULE 3002.1-1, THE COURT SHALL, AFTER NOTICE AND HEARING, DETERMINE WHETHER OR NOT THE DEBTORS ARE CURRENT ON ALL REQUIRED POST-PETITION AMOUNTS. IF THE HOLDER OF A CLAIM FAILS TO RESPOND AND/OR THE DEBTORS FAIL TO REPLY, THE COURT MAY MAKE THIS DETERMINATION BY DEFAULT. AN ORDER SHALL BE ISSUED REFLECTING ANY DETERMINATION BY THE COURT.

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IF A RESPONSE AND/OR REPLY IS TIMELY FILED, A HEARING ON THIS MORTGAGE NOTICE SHALL BE DEEMED REQUESTED. THE PRE-HEARING CONFERENCE SHALL BE HELD AT 10:00 am on June 15, 2018 AT 6851 N.E. LOOP 820, SUITE 300, NORTH RICHLAND HILLS, TX 76180-6608. UNLESS THIS MATTER IS RESOLVED BY THE TIME OF THE PRE-HEARING CONFERENCE, A HEARING BEFORE THE COURT ON THIS MORTGAGE NOTICE SHALL BE SET FOR 8:30 am, on June 21, 2018 AT ROOM 128, U.S. COURTHOUSE, 10TH AND LAMAR STREETS, FORT WORTH, TEXAS.

THE ENTRY OF ANY ORDER BY THE COURT ON THIS MORTGAGE NOTICE, WHETHER BY DEFAULT OR OTHERWISE, SHALL PRECLUDE THE HOLDER OF THE CLAIM AND THE DEBTORS FROM CONTESTING THE AMOUNTS SET FORTH IN THE ORDER IN ANY CONTESTED MATTER OR ADVERSARY PROCEEDING IN THIS CASE OR IN ANY OTHER MATTER, MANNER, OR FORUM AFTER A DISCHARGE IN THIS CASE, UNLESS THE COURT DETERMINES, AFTER NOTICE AND HEARING, THAT THE FAILURE TO RESPOND AND/OR REPLY WAS SUBSTANTIALLY JUSTIFIED OR IS HARMLESS.

PLAN ARREARAGE

To the Trustee's knowledge, the Debtors are current on their plan, or if not, the amount believed necessary to cure any default on the plan is \$1,014.00.

PRE-PETITION MORTGAGE ARREARAGE

The amount believed necessary to cure any **pre-petition** home mortgage arrearage claim(s) ("**cure amount**") is as follows:

Claim Type: HOME MORTGAGE ARREARS - PRE PETITION

<u>Court Claim #</u>	<u>Trustee Claim #</u>	<u>Account Number</u>	<u>Claim Asserted</u>	<u>Claim Allowed</u>	<u>Total Amount Paid By Trustee</u>	
13	1	8541	\$0.00	\$0.00	Principal	\$0.00
					+ Interest	\$0.00
						\$0.00

PRINCIPAL AMOUNT NECESSARY TO CURE PRE-PETITION MORTGAGE ARREARAGE CLAIM (TRUSTEE CLAIM # 1) TO BE PAID BY THE TRUSTEE, IF ANY: \$0.00

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ONGOING "CURRENT" MONTHLY MORTGAGE PAYMENTS

In the event the Trustee is paying the ongoing current monthly mortgage payments, the status of that claim is as follows:

Claim Type: HOME MORTGAGE CURRENT

<u>Court Claim #</u>	<u>Trustee Claim #</u>	<u>Account Number</u>	<u>Claim Asserted</u>	<u>Claim Allowed (03/09/2018)</u>
<u>13</u>	<u>2</u>	<u>8541</u>	<u>\$85,699.79</u>	<u>\$85,699.79</u>

- NONE

**PRINCIPAL AMOUNT NECESSARY TO CURE THE HOME MORTGAGE CURRENT CLAIM (TRUSTEE CLAIM #2)
TO BE PAID BY THE TRUSTEE, IF ANY: \$85,699.79**

THE ONGOING "CURRENT" MONTHLY MORTGAGE PAYMENTS ARE, ACCORDING TO THE PLAN, TO DIRECT BY THE DEBTORS. THE TRUSTEE HAS NO KNOWLEDGE OF THE STATUS OF THOSE ONGOING PAYMENTS, OR ANY POST-PETITION ARREARAGE THEREON, EXCEPT AS NOTED ABOVE. HOWEVER, THE HOLDER OF THE CLAIM MUST ITEMIZE IN ITS RESPONSE ANY OTHER PRE-PETITION ARREARAGE POST-PETITION ARREARAGES THAT THE HOLDER CONTENDS EXIST AS OF THE DATE OF THE HOLDING RESPONSE. OTHERWISE, THE COURT WILL ISSUE AN ORDER BY DEFAULT, FINDING THE INFORMATION CONTAINED IN THIS NOTICE IS UNOPPOSED AND/OR UNDISPUTED.

Respectfully submitted,

/s/ Tim Truman

Tim Truman

Chapter 13 Trustee/State Bar # 20258000

6851 N.E. Loop 820, Suite 300

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing "Notice of Amount Deemed Necessary to Cure Mortgage Arrearage" was served on the Debtors, the creditor/holder of the claim, and creditor's/holder's counsel listed below, by ordinary U.S. Mail, and that the attorney for Debtors, the United States Trustee, and all Notice of Appearance parties were served electronically through the Court's ECF System at the e-mail address registered with the Court, on or before the 12th day of March, 2018.

/s/ Tim Truman

Tim Truman

Chapter 13 Trustee

U.S. FIRST CLASS MAIL

CREDITOR/HOLDER OF CLAIM:

DITECH FINANCIAL, PO BOX 6154, RAPID CITY, SD 57709

ATTORNEY FOR CREDITOR/HOLDER OF CLAIM:

BUCKLEY MADOLE PC, PO BOX 9013, ADDISON, TX 75001

DEBTORS:

JAMES DON HOLDEN, SHARON BURTON HOLDEN, 1912 Secret Ct, Arlington, TX 76006

ELECTRONIC SERVICE:

United States Trustee, 1100 COMMERCE STREET, ROOM 976, DALLAS, TX 75242

MP WRIGHT LAW GROUP PLLC, 2501 MAIN ST STE 100, DALLAS, TX 75226

PERDUE BRANDON FIELDER COLLINS AND MOTT, 500 E BORDER ST #640, ARLINGTON, TX 76010

LINEBARGER GOGGAN BLAIR & SAMPSON LLP, 2777 N STEMMONS FWY #1000, DALLAS, TX 75207

HARRISON DUNCAN PLLC, 8700 CROWN HILL #505, SAN ANTONIO, TX 78209

ADAMS LYNCH AND LOFTIN PC, 3950 HIGHWAY 360, GRAPEVINE, TX 76051-6743